

TRANSMITTAL LETTER TO THE UNITED STATES
ELECTED OFFICE (EO/US)
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II PCT)

Rec'd PCT/PTC 06 DEC 2001

International Appln. No.:
PCT/US00/15728

International Filing Date:
06 June 2000 (06.06.00)

Priority Date Claimed:
09 June 1999 (09.06.99)

Title of Invention: NUCLEOTIDE SEQUENCES FOR GENE REGULATION AND METHODS OF USE THEREOF

Applicant: KURACHI et al

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service on this date **December 6, 2001** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL512052975US addressed to: **Box PCT, ATTN. EO/US**, Assistant Commissioner For Patents, Washington, D.C. 20231.

Nancy Carroll
Nancy Carroll

BOX PCT

Assistant Commissioner For Patents
Washington, D.C. 20231
ATTN: EO/US

1. a. X This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
b. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
2. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:
 - a. X This express request to immediately begin national examination procedures (35 U.S.C. 371(f).
 - b. X The U.S. National Fee (35 U.S.C. 371(c)(1) and other fees (37 CFR 1.492) as indicated below:
3. **Fees**
Regular application

CLAIMS AS FILED

Number Filed	Number Extra	Rate	Calculations
Total Claims (37 C.F.R. § 1.16(c))	20 - 20 =	0 × \$18.00 =	\$0.00
Independent Claims (37 C.F.R. § 1.16(b))	7 - 3 =	4 × \$80.00 =	\$320.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))	+ \$270.00 =		\$0.00
Filing Fee Calculation			\$320.00

U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY

Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO:

— and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4) 100.00

— and the above requirements are not met (37 CFR 1.492(a)(1) 690.00

X U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY

Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO:

<u> </u>	has been paid (37 CFR 1.492(a)(2))	710.00	<u> </u>
<u> </u>	has not been paid (37CFR 1.492(a)(3))	1000.00	<u> </u>
<u>X</u>	where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5))	860.00	<u>860.00</u>

Total National Fee	<u> </u>
Small Entity - Reduction by 1/2, if applicable	<u> </u>
Total Fees Enclosed	<u>1180.00</u>

X Check in the amount of \$1180.00 to cover the above fees is enclosed.

4. A copy of the International application as published (35 U.S.C. 371(c)(2)):

- a. X is transmitted herewith.
- b. is not required, as the application was filed with the United States Receiving Office.
- c. has been transmitted
 - i. by the International Bureau.
Date of mailing of the application (from form PCT/IB/308): .
 - ii. by applicant on (date) .

5. A Translation of the International application into the English language (35 U.S.C. 371(c)(2)):

- a. is transmitted herewith.
- b. X is not required as the application was filed in English.
- c. was previously transmitted by applicant on (date) .
- d. will follow.

6. Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):

- a. are transmitted herewith (as a part of the International Examination Report)
- b. have been transmitted
 - i. by the International Bureau.
Date of mailing of the amendment (from form PCT/IB/308):
 - ii. by applicant on (date) .
- c. X have not been transmitted as
 - i. X applicant chose not to make amendments under PCT Article 19. Date of mailing of Search Report (from form PCT/ISA/210.): not yet received.
 - ii. the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.

7. A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):

- a. is transmitted herewith.
- b. is not required as the amendments were made in the English language.
- c. X has not been transmitted for reasons indicated at point 5c above.

8. A copy of the international examination report (PCT/IPEA/409)

- is transmitted herewith.
- X is not required as the application was filed with the United States Receiving Office.(report never received)

9. Annex(es) to the international preliminary examination report

- a. is/are transmitted herewith.
- b. X is/are not required as the application was filed with the United States Receiving Office.

10. A translation of the annexes to the international preliminary examination report

- a. is transmitted herewith.
- b. X is not required as the annexes are in the English language.

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11. An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 372(c) is:
- a. ☐ was previously submitted by applicant on (date) _____.
 - b. ☒ is submitted herewith, and such oath or declaration
 - i. ☐ is attached to the application.
 - ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3b or 3c and 5b; and states that they were reviewed by the inventor as required by 37 CFR 1.70.
 - iii. ☒ will follow.

11. Other document(s) or information included:

12. An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. ☐ is transmitted herewith.
 - b. ☐ has been transmitted by the International Bureau. Date of mailing (from form PCT/IB/308): _____
 - c. ☐ is not required, as the application was searched by the United States International Searching Authority.
 - d. ☒ will be transmitted promptly upon request.(search report never received)
 - e. ☐ has been submitted by applicant on (date) _____

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98:

- a. ☐ is transmitted herewith.
Also transmitted herewith is/are:
☐ Form PTO-1449.
☐ Copies of citations listed.
- b. ☒ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. ☐ was previously submitted by applicant on (date) _____.

14. An Assignment document:

- a. ☒ will follow.
- b. ☐ is transmitted herewith for recording.
A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

15. Additional Documents

- a. ☐ Copy of Request (PCT/RO/101)
- b. ☒ International Publication No. WO 00/75279
 - i. ☒ Specification, claims and drawing
 - ii. ☐ Front page only.
- c. ☐ Preliminary amendment (37 CFR § 1.121)
- d. ☒ Other
Power of Attorney (unexecuted)
Assignment (unexecuted)
Notification of Receipt of Demand

16. The above checked items are being transmitted

- a. ☒ before 30 months from any claimed priority date.
- b. ☐ after 30 months.

17. Certain Requirements under 35 U.S.C. 371 were previously submitted by the applicant on _____, namely:

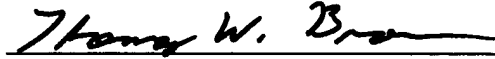
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18. Authorization To Charge Additional Fees and Credit Overpayment

X The Commissioner is hereby authorized to charge payment of any additional fees that may be required by this paper including, without limitation, filing fees, fees for presentation of extra claims, and surcharge for filing late declarations to Deposit Account No.: 08-1290.
An originally executed duplicate of this transmittal is enclosed for this purpose.

19. Return Receipt Postcard

X Enclosed.

Dated: December 6, 2001

BROWN, Thomas W.
Registration No.: P-50,002

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